

REMARKS

Claims 1-49 are now cancelled, and nineteen new claims (50-68) are now added. Applicant believes that the nineteen new claims are in a better format that will simplify and expedite prosecution of the present application. All of the new claims are fully supported by the specification as originally filed, and they introduce no new matter.

The independent claims were all rejected as obvious under 35 U.S.C. § 103(a) from *Lee* (U.S. Application No. 2004/0192308) in view of *Nishimura* (U.S. Application No. 2004/0229649) and also in view of a new reference: *Gopalakrishna* (U.S. Application No. 2002/0183053).

The *Lee* Reference is Not Relevant to the Present Claimed Invention

The non-final Office Action states (in the paragraph beginning at the bottom of page 2) that FIG. 1 of the *Lee* reference discloses information having a cell specific parameter and a radio link specific parameter, and also that *Lee* discloses respective messages between a network element and a radio network controller. However, that is not what the independent claims of the present application say; the present independent claims say that the information having those parameters is communicated “in” those respective messages between the network element and the radio network controller. Thus, Applicant respectfully does not see the pertinence of FIG. 1 of *Lee* which merely shows messages between mobile devices and a network element; those messages are not between a network element and a radio network controller as presently claimed in the present independent claims.

If *Lee* discloses sending certain parameters in one type of message (i.e. a message between user equipment and a base station), and also discloses an other type of message (i.e. a message between a base station and an RNC), that does not render it obvious to send any of those parameters in that other type of message. Applicant therefore respectfully submits that FIG. 1 of *Lee* is not relevant, and is not a proper basis for rejection of any of the present independent claims.

Additionally, *Lee* does not disclose that the cell specific parameter and radio link specific parameter used for configuring an uplink are in “respective” messages instead of in the same message(s). The Office Action does not point to these two types of messages in *Lee*, and Applicant is unable to find them in *Lee*.

The cited Figures 4-10 of *Lee* show an RNC. However, only good data and/or bad data are shown being sent to *Lee*’s RNC, and only acknowledgments are shown being sent from *Lee*’s RNC. There is no hint or suggestion in *Lee* to send parameters to or from the RNC, much less to send “cell specific” or “radio link specific” parameters as presently claimed in independent claim 1.

Lee discloses at paragraph 24 that a UE receives response fields having various values. But there is no suggestion in *Lee* that those response fields have parameters that could be used by a network element and RNC in order to configure an uplink, as presently claimed. The Office Action refers to paragraphs “0057-0072” of *Lee* to show configuring of a radio uplink, but Applicant cannot find anything in those 16 paragraphs that is related to present claim 1. Those 16 paragraphs describe *Lee*’s figures 7-10, which involve a “retransmission procedure” (see paragraphs 34-37 of *Lee*) rather than the uplink configuration procedure of present claim 1. Consequently, *Lee* would not suggest to a skilled person key features of present claim 1, contrary to what is asserted in the Office Action.

The Gaps in *Lee* Are Not Filled by the Other Two Cited Reference

Regarding the new *Gopalakrishn* reference, it shows that messages from a test system 200 can be used to configure an uplink. The test system may be capable of simulating RNC, Node B, and/or user equipment functionality. There is no suggestion in *Gopalakrishn* that the signal quality parameters are cell-specific or radio-link-specific, much less that those two types of parameters are communicated in separate (i.e. respective) messages, as claimed by the present independent claims. Therefore, Applicant respectfully submits that *Gopalakrishn* does not fill the gaps identified above in the *Lee* reference.

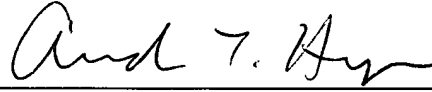
Likewise, *Nishimura* clearly does not fill any of those gaps either. Of course, *Nishimura* is cited in the Office Action only for other features of the present independent claims, involving the payload packet rather than involving the respective messages containing the cell-specific and radio link specific parameters. Thus, combining these three cited references does not result in the features of the present independent claims.

An important and unique feature of the present invention is that at least one cell specific parameter is in one message, and at least one radio link specific parameter is in another message, for configuring a radio uplink. Because these parameters are in respective messages, they further facilitate proper configuration of the uplink channel.

CONCLUSION

Applicant respectfully submits that the obviousness rejections do not apply against the present independent claims, which should therefore be allowed along with the claims depending therefrom. Early allowance of the independent claims, and the pending claims depending therefrom, is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the pending claims that might hinder allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Andrew T. Hyman", is written over a horizontal line.

Andrew T. Hyman
Attorney for Applicant
Registration No. 45,858

Dated: July 28, 2008

WARE, FRESSOLA, VAN DER
SLUYS & ADOLPHSON LLP
Building Five, Bradford Green
755 Main Street, P.O. Box 224
Monroe, CT 06468
Telephone: (203) 261-1234
Facsimile: (203) 261-5676
USPTO Customer No. 004955